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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,486	11/21/2006	Roman Foltyn	FOLTYN	1305
20151	7590	03/18/2008	EXAMINER	
HENRY M FEIEREISEN, LLC			NGUYEN, HAI V	
350 FIFTH AVENUE				
SUITE 4714			ART UNIT	PAPER NUMBER
NEW YORK, NY 10118			2618	
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			03/18/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,486	FOLTYN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HAI V. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 April 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>12/04/2006</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This Office Action is in response to the application filed on 21 April 2006.
2. Claims 1-8 are presented for examination.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 04 December 2006 with regarding the documents DE-196 13 734; DE-693 07 956; DE-198 47 665; DE 198 41 262 fails to comply with 37 CFR 1.98(a) (3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

4. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
5. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks ™, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors

could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor. The following are just some examples:

6. The element of "GPS" is not defined or spelled out.
7. The element of "PFST" is not defined or spelled out.
8. The element of "the synchronization signal" in claims 2, 7. There is a lack of antecedent basis in these claims 2, 7.

#### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tanaka** US patent # **5,781,539**.

11. As to claim 1, Tanaka discloses substantially the invention as claimed, including a method of executing a control action, comprising the steps of:

generating a temporally periodic synchronization signal (*one signal frame*) by a receiver (*Figs. 2, 6, base station unit 13 having elements 54, 55*) based on a timing reference signal (*a time instant information from the satellite signal*) (*ol. 3, lines 7-14; col. 7, line 56 – col. 8, line 50*);

dividing the temporally periodic synchronization signal (*Fig. 7, frequency divider element 62*) by a switching frequency (*a switching point value*) generated by a timing generator (*Fig. 7, element 61*) into a plurality of switching intervals (*Fig. 7, a time duration to the switching point corresponding to counting period of clock pulses elements 63<sub>2</sub>, 63<sub>3</sub>*); and

associating a switching command (*a counting operation*) to each of the switching intervals to trigger (*to select or to switch*) an associated switching process of the control action (*an output signal*, *Figs. 6-9, col. 9, lines 15-35; col. 10, lines 1-26*).

12. As to claim 2, Tanaka discloses, wherein the receiver comprises a GPS receiver (*Fig. 7, seconds pulse producing circuit element 64, col. 9, lines 1-14*) for outputting a pulse-per-second (PPS) signal for use as the synchronization signal (*Fig. 7, col. 9, lines 1-14*).

13. As to claim 3, Tanaka discloses, wherein the timing generator comprises a quartz oscillator (*Fig. 7, element 61, col. 8, lines 51-67*).

14. As to claim 4, Tanaka discloses, continuously correcting the synchronization signal by a correction value (*Fig. 7, a transmission start time instant, a delayed time instant or idle time period, col. 3, lines 30-36; col. 4, lines 54-56; col. 10, lines 1-26*).

15. As to claim 5, Tanaka discloses a method for synchronizing several control actions, with each of the measurement or control actions being executed by a method of claim 1, wherein the timing reference signal is a common timing reference signal (*a time instant information from the satellite signal, col. 3, lines 7-14; col. 13, lines 32-40*).

16. As to claim 6, Tanaka discloses, the timing reference signal is a GPS signal (*a time instant information from the satellite signal, col. 3, lines 7-14; col. 13, lines 32-40*).

17. As to claim 7, Tanaka discloses a controller (*Figs. 2, 6, a base station unit 13*) for executing a control action (*a preamble signal 86, Fig. 9, col. 13, lines 12-60*), comprising:

a receiver (*Figs. 2, 6, base station unit 13 having elements 54, 55*) configured to generate a temporally periodic synchronization signal (*one signal frame*) based on a

timing reference signal (*a time instant information from the satellite signal*) (col. 3, lines 7-14; col. 7, line 56 – col. 8, line 50);

a timing generator (*Fig. 7, element 61*) configured to generate a switching frequency (*an oscillation frequency or a reference clock signal*, col.8, lines 51-67; col. 13, lines 42-51);

a pulse divider (*Fig. 7, frequency divider element 62*) configured to divide the synchronization signal into a plurality of switching intervals (*Fig. 7, a time duration to the switching point corresponding to counting period of clock pulses elements 63<sub>2</sub>, 63<sub>3</sub>*)

based on the switching frequency and associating a switching command (*a counting operation*) to each of the switching intervals (*Figs. 6-9, col. 9, lines 15-35; col. 10, lines 1-26*); and

a device (*Fig. 7, element 69*) receiving the switching command from the pulse divider for triggering (*selecting or switching*) a corresponding switching process and executing the control action (*a output signal*, *Figs. 6-9, col. 9, lines 15-35; col. 10, lines 1-26*).

18. As to claim 8, Tanaka discloses a stored program control for supplying sequence of switching commands to the pulse divider (*Fig. 7, element 66, col. 7, line 56 - col. 8, line 39*).

19. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/  
Examiner, Art Unit 2618

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618